

COMMISSION ON COMMUNITY INVESTMENT AND INFRASTRUCTURE

RESOLUTION NO. 78-2014  
Adopted September 12, 2014

**AUTHORIZING AN AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING WITH THE CITY AND COUNTY OF SAN FRANCISCO, THROUGH ITS SAN FRANCISCO PLANNING DEPARTMENT, TO EXTEND THE TERM OF THE MEMORANDUM OF UNDERSTANDING FROM FISCAL YEAR 2014-15 TO FISCAL YEAR 2015-16, TO INCREASE THE BUDGET BY AN AMOUNT NOT TO EXCEED \$225,000, FOR A TOTAL AGGREGATE AMOUNT NOT TO EXCEED \$675,000, AND TO EXPAND THE SCOPE OF WORK TO PROVIDE DESIGN AND ENVIRONMENTAL REVIEW PROCESS FOR THE GOLDEN STATE WARRIORS PROJECT**

WHEREAS, Prior to its dissolution, the Redevelopment Agency of the City and County of San Francisco ("Redevelopment Agency") implemented numerous redevelopment plans approved by the Board of Supervisors and authorized under the California Community Redevelopment Law, Cal. Health & Safety Code §§ 33000 *et seq.* Under this state authority, the redevelopment plans established land use controls in project areas and did not generally rely on the San Francisco Planning Code or other local land use regulation, including Article 31 of the Administrative Code, unless a particular redevelopment plan required it; and,

WHEREAS, State law dissolved the Redevelopment Agency on February 1, 2012, Cal. Health and Safety Code §§ 34161 *et seq.* ("Redevelopment Dissolution Law"), and provided, among other things, that successor agencies assumed certain rights and obligations of the former Redevelopment Agency (with the exception of certain affordable housing assets). In particular, state law requires successor agencies to fulfill enforceable obligations that the former redevelopment agencies had entered into prior to June 28, 2011 ("Enforceable Obligations"); and,

WHEREAS, The Board of Supervisors, in its capacity as the legislative body of the Successor Agency, approved Ordinance No. 215-12 (Oct. 4, 2012) to implement Redevelopment Dissolution Law and established the Successor Agency Commission to which it delegated the authority to exercise land use, development and design approval for "surviving redevelopment projects;" and,

WHEREAS, OCII is the Successor Agency to the Redevelopment Agency, is a legal entity separate from the City and County of San Francisco ("City"), has assumed the remaining rights and obligations of the former Redevelopment Agency, and has "succeed[ed] to the organizational status of the former redevelopment agency" with the authority "to complete any work related to an approved enforceable obligation," Cal. Health & Safety Code § 34173 (g); and,

WHEREAS, OCII has the continuing authority and obligation: (1) to exercise land use controls required under Enforceable Obligations (including the Mission Bay North Owner Participation Agreement (“OPA”), *available at* <http://www.sfocii.org/index.aspx?page=243>, the Mission Bay South OPA, *available at* <http://www.sfocii.org/index.aspx?page=244>, the Disposition and Development Agreement (“DDA”) for Hunters Point Shipyard (“HPS”) Phase 1, *available at* <http://www.sfocii.org/index.aspx?page=160>, the DDA for Candlestick Point-HPS Phase 2 DDA, *available at* <http://www.sfocii.org/index.aspx?page=186>, the Transbay Implementation Agreement, *available at* <http://www.sfocii.org/index.aspx?page=54>, and other OPAs and DDAs for projects that are not yet complete, and (2) to enforce the land use controls under redevelopment plans and related development controls where the City has not requested the transfer of land use functions to the City. (These redevelopment plans include Zone 1 of the Transbay Redevelopment Plan, Zone 1 of the Bayview Hunters Point Redevelopment Plan, the HPS Redevelopment Plan, the Mission Bay North and South Redevelopment Plans, the Rincon Point-South Beach Redevelopment Plan, and the Bayview Industrial Triangle Redevelopment Plan. These redevelopment plans and related documents are generally available at <http://www.sfocii.org/index.aspx?page=3>); and,

WHEREAS, The Redevelopment Dissolution Law provides, among other things, that successor agencies may enter into contracts for the purpose of “winding down the redevelopment agency.” Cal. Health & Safety Code § 34177.3 (b). *See also* Cal. Health & Safety Code § 34171 (d) (1) (F) (defining enforceable obligations to include “agreements necessary for the administration or operation of the successor agency”); and,

WHEREAS, OCII has a continuing need to review and approve development projects, including design and environmental review, as part of the wind down of redevelopment agencies and desires to use the services of the Planning Department for this purpose; and,

WHEREAS, OCII Commission approved on Resolution No. 41-2013, on August 20, 2013, a memorandum of understanding with the City, through its Planning Department, to perform design review and environmental services for the OCII, for a term of two years, commencing on July 1, 2013, for an annual amount of \$225,000, not to exceed amount of \$450,000 (the “Original MOU”); and,

WHEREAS, Earlier this year, the Golden State Warriors (“GSW”) announced their intention to purchase Blocks 29 to 32 in the Mission Bay South Redevelopment Project Area (“Mission Bay South”) for the development of approximately 1 million square feet of arena, office and retail uses (“GSW Pavilion Project”) and the GSW Pavilion Project will require design and environmental review, including preparation of an appropriate environmental review analysis and related documents, which will result in fulfillment of the requirements pursuant to the California Environmental Quality Act (“CEQA”); and,

WHEREAS, The term of the Original MOU is for two fiscal years, of which the first year has finished and OCII desires to extend the term of the Original MOU for an additional fiscal year to ensure adequate staffing from the Planning Department for the next two fiscal years for design and environmental review services for projects not related to the GSW Pavilion Project; and,


WHEREAS, As a result, OCII and the Planning Department are proposing to amend and restate the previously approved Original MOU. The Amended MOU would extend the term of the original MOU through Fiscal Year 2015-2016 and provides an additional budget amount not to exceed \$225,000 to continue to provide the scope of work in the Original MOU for an additional fiscal year, for total aggregate amount of \$675,000, and would include additional scope of work for the Planning Department for environmental and design review for the GSW Pavilion Project; and,

WHEREAS, Authorization of the proposed Amended MOU with the Planning Department is an OCII administrative activity that will not cause any physical change in the environment and is not a project pursuant to the California Environmental Quality Act ("CEQA") definition of a project contained in CEQA Guidelines Section 15378(b)(5). In addition, authorization of this proposed Amended MOU with the Planning Department does not have the potential for independently causing a significant effect on the environment and therefore is not subject to the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061 (b)(3); and,

WHEREAS, OCII has provided (and will continue to provide) for the expenditures anticipated under the Amended MOU in its Recognized Obligation Payment Schedules ("ROPS") that are required to be submitted semi-annually to the Oversight Board and the California Department of Finance ("DOF") and in its annual budget that is approved by the Board of Supervisors; now, therefore, be it

RESOLVED, That the Executive Director is hereby authorized to execute the Amended MOU between OCII and the City and County of San Francisco, through its Planning Department, substantially in the form of the Amended MOU lodged with the Secretary of the Commission, to provide design review and environmental review services to the OCII, for a total aggregate amount not to exceed \$675,000, subject to availability and approval of funds in the ROPS, and provide design and environmental review services for the Golden State Warriors' Project.

I hereby certify that the foregoing resolution was adopted by the Commission at its meeting of September 12, 2014.

  
Commission Secretary